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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.			OPSASNICK, MICHAEL N		
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner							
Examiner Michael N. Opasanick 2655		Application No.	Applicant(s)				
## The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time my be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filed after SIX (8) MONTH'S from the mailing date of this communication. Falsate to reply securities to the communication. If NO pands for reply is spondare above, the maximus actions of 37 CPR 1.136(a). In no event, however, may a reply be timely filed after SIX (8) MONTH'S from the mailing date of this communication. Falsate to reply within the set or extended prior for reply will be set and the set of the communication. Falsate to reply within the set or extended prior for reply will be set on the mailing date of this communication, and the provision of the communication to become ABANDONED (33 U.S. C § 133). **Any reply received by the Official enter her there amonitis after the mailing date of this communication, even if timely filed, may reduce any submerp placet term adjustment. Set 97 CPR 1.704(b). **Status** 1)[3] Responsive to communication(s) filed on **March 4, 2003 .** 2a)[3] This action is FINAL. 2b] This action is non-final. 3)[3] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under **Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)[3] Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5] Claim(s) is/are allowed. 6)[3] Claim(s) 3-20 is/are pending in the application. 4Application Papers 9)[7] The psecification is objected to by the Examiner. Application Papers 9)[7] The proposed drawing correction filed on is/are: a)[7] accepted or b)[7] objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12		09/484,159	LEWIS, GARY M.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the maining date of this communication. If NO period for reply is specified above, the maximum salutory period will apply and lexpire SIX (6) MONTHS from the maining date of this communication. Failure to reply within the set or centered period for reply will by status, cause the application to become ASA-MONTH (SIX of SIX). Any reply received by the Office later than three months after the maining date of this communication, even if limitly filled, may reduce any seamed period than adjustment. See 37 CFR 1.748(a). Status Status Responsive to communication(s) filled on March 4, 2003. 2a) Responsive to communication(s) filled on March 4, 2003. 2b) This action is FINAL. 2b) This action is non-final. 3) Is since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-20 is/are allowed. 6) Claim(s) 1-20 is/are allowed. 7) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) The general and seed of the seminer. Application Papers 9) The specification is objected to by the Examiner. Application Papers 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Application Papers 11 proved, corrected drawings are required in reply to this Office action. 12) The proposed drawing correction filed on is: a) approved by disapproved by the Examiner. 11 proved, corrected drawings are required in reply to this Office action. 12 Certified copies of the priority documents have been received in Application No. 1 Certified copi							
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Attachment(s)	,—						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal					

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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wildfeuer (6298055) in view of Sato et al (6078882).

As per claims 1,7,14,19,20, Wildfeuer (6298055) teaches:

"transmitting audio over a network......audio packets are stored in a jitter buffer......jitter buffer latency......modified during periods of quasi-silence....types of audio, non-speech audio or speech audio comprising" as voice encoding/decoding over a data network minimizing latency times by detecting speech or non-speech (col. 2 lines 7-22 and lines 43-58)

"a non-speech detection module....audio" as detecting a real or false dtmf (col. 6 lines 15-32)

"an add header....data packet" as data packets (Fig. 4) with headers (col. 3 lines 57-67)

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"a remove header routine.....enabled" as removing fixed delay's and changing the delay based on a voice/speech determination or a dtmf determination (col. 4 lines 40-55)

Wildfeuer (6298055) does not explicitly teach the non-speech identifier being stored in the header of the data packet, however, Sato et al (6078882) teaches a non-speech identifier being stored in the header (abstract, Fig. 2, Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art of data structures to modify the teachings of Wildfeuer (6298055) with non-speech identifier storage in a header because it would reduce the unnaturalness of the reconstructed speech caused by speech spurts and pauses (col. 1 lines 48-62).

As per claims 2,8,15, Wildfeuer (6298055) teaches one bit notification (figs. 5 and 6)

As per claims 3,9,16, Wildfeuer (6298055) teaches RTP (col. 8 lines 19-25)

As per claims 4&5,10,11,17,18, Wildfeuer (6298055) teaches identifying states based on speech or dtmf detection (col. 6 line 50 – col. 7 line 29)

As per claims 6,12,13, Wildfeuer (6298055) teaches buffer latency disablement (col. 2 lines 44-50)

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non-speech identifier (fig. 3 of Sato).

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Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are not persuasive. As per applicant's arguments that the prior art does not teach a non-speech identifier, examiner argues that Sato's identification process of noticing a Pause or Hangover is a

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno 10/26/2003

SUPERVISORY PATENT EXAMINER **TECHNOLOGY CENTER 2600**